

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
SETH MITCHELL,

Plaintiff,

*-against-*

The City of New York;  
New York City Department of Housing  
Preservation and Development;  
Housing Partnership Development  
Corporation; Mr. Eric Enderlin;  
Mr. Nick Lundgren, Esq.;  
Mr. Matt Murphy; Ms. Eva Trimble;  
Ms. Nidia Dormi; Mr. Daniel Martin;  
Ms. Abigail Patterson, Esq.; Ms. Ebony  
Mosuro; Mr. Thomas Melo;  
John & Jane Does 1 - 1000

Defendants.  
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UNITED STATES OF  
AMERICA SOVEREIGN  
COMPLAINT

*Jury Trial Requested*

**INITIATING COMPLAINT  
DATED 27<sup>TH</sup> OF MARCH 2019  
UNDER  
FAIR HOUSING ACT OF 1968  
AMERICANS WITH DISABILITIES ACT OF 1990  
CIVIL RIGHTS ACT OF 1964  
WOMEN AGAINST VIOLENCE ACT OF 1994**

**I. PARTIES**

**A. Plaintiff Information**

1. Seth Mitchell, **Self-Represented, Sole Claimant, Plaintiff-Prosecutor**  
One Penn Plaza, Ashem LLC, Suite 6119, New York County, New York, 10119  
Direct dial: 1.646.801.2045  
Email address: [seth.mitchell@ashemllc.co](mailto:seth.mitchell@ashemllc.co)

**B. Defendants' Information**

**a. Entity Defendants**

1. The City of New York ("NYC")  
c/o Zachary Carter, Corporation Counsel of the City of New York  
The Office of the Corporation Counsel  
100 Church Street, New York County, New York, 100807  
Direct dial: 1.212.356.0803  
Email: [zcarter@law.nyc.gov](mailto:zcarter@law.nyc.gov)
2. New York City Department of Housing Preservation and Development Corporation ("HPD")  
100 Gold Street, New York County, New York, 10038
3. Housing Partnership Development Corporation ("HPDC")  
253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001

**b. Individual Defendants**

4. Mr. Eric Enderlin, Interim Commissioner, HPD  
100 Gold Street, New York County, New York, 10038
5. Mr. Nick Lundgren, Esq., Deputy Commissioner for Legal Affairs, HPD  
100 Gold Street – 5-Q2, New York County, New York, 10038  
Direct dial: 1.212.863.8686  
Email: [Lundgren@hpd.nyc.gov](mailto:Lundgren@hpd.nyc.gov)
6. Mr. Matt Murphy, Deputy Commissioner for Policy and Strategy, HPD  
100 Gold Street, New York County, New York, 10038  
Direct dial: 1.212.863.8942  
Email: [Murphyma@hpd.nyc.gov](mailto:Murphyma@hpd.nyc.gov)
7. Ms. Eva Trimble, Executive Deputy Commissioner, HPD  
100 Gold Street, New York County, New York, 10038

8. Ms. Nidia Dormi, Senior Policy Analyst, Marketing and Affordability Oversight Program, HPD  
100 Gold Street, New York County, New York, 10038  
Direct dial: 1.212.863.7990  
Email: [DormiN@hpd.nyc.gov](mailto:DormiN@hpd.nyc.gov)
9. Mr. Daniel Martin, Chief Executive Officer, HPDC  
253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001  
Direct dial: 1.646.217.3370  
Email: [dmartin@housingpartnership.com](mailto:dmartin@housingpartnership.com)
10. Ms. Abigail Patterson, Esq., General Counsel, HPDC  
253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001  
Direct dial: 1.646.217.3390  
Email: [apatterson@housingpartnership.com](mailto:apatterson@housingpartnership.com)
11. Ms. Ebony Mosuro, Director, Rental Marketing and Compliance, HPDC  
253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001  
Direct dial: 1.646.217.3381  
Email: [emosuro@housingpartnership.com](mailto:emosuro@housingpartnership.com)
12. Mr. Thomas Melo, HPDC  
253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001  
Direct dial: 1.646.217.3370
13. John & Jane Does, 1 – 1,000

## **II. STATEMENT OF CLAIM**

### **A. Places & Dates of Occurrence**

1. HPD, 100 Gold Street, New York County, New York, 10038
2. HPDC, 253 West 35<sup>th</sup> Street, Floor 3, New York County, New York, 10001
3. Exhibit at 60 Fulton, 29 Cliff Street, New York County, New York, 10038
4. Additional incident locales, if any, to be provided upon results of discovery process.

### **B. Statement of Facts in Support of Claim**

**a. PLAINTIFF'S BONE FIDES**

Good Plaintiff-Prosecutor is Seth Mitchell, a naturally-borne Citizen of the United States of America from Queens County, New York. He is first-borne Grand Son to Henry M. Sandler, United States Veteran Patriot (World War II, European Theatre of Operations: United Kingdom, France; Bronze Star Medal – New Issue 2014, Purple Heart – New Issue 1945, Reaffirmed 2014, Chevalier de la Légion D'Honneur of the Republic of France – New Issue 2014). He is Great-Great Grand Son to Joseph Eiten, proper landowner in New London, Connecticut from 1892 via direct participation with the Baron Maurice de Hirsch [Fund] resettlement initiatives. He earned his Bachelor of Science in Economics from Cornell University (Dean's List) (*Ithaca, New York*) and his Master of Business Administration from the Wharton School of the University of Pennsylvania (*Philadelphia, Pennsylvania*). He retains the investment industry's most prestigious, sought-after, and difficult to obtain certification, The Chartered Financial Analyst ("CFA") designation. He maintained gainful employment with such top-notch global financial services firms as The Goldman Sachs Group, Inc. where he was employed in the Firm's highly prestigious and lucrative Global Special Situations Group in the Asia Pacific region where he lived and worked for five (5) years. He is formally credit – trained and is an expert in the research, analysis, valuation, and adjudication of a variety of corporate and legal claims.

He has significant hands-on litigation experience, having asserted a variety of meritorious civil and criminal litigation claims in such matters as *Seth Mitchell v. Cantor Fitzgerald, L.P., et al.* (New York County Index No. 108597/2011, \$US13 Million Default Claims, *uncured*) and *Seth Mitchell v. New York University, et al.* (New York County Index No. 150622/2013, \$US49 Million Default Claims, *uncured*).

He successfully completed a United States Federal civilian employment assignment, having worked as a Field Operations Supervisor for the United States Department of Commerce 2010 Census activities where he managed approximately

100 employees in efficaciously completing all large-scale project operations in the field on a timely basis.

**b. PLAINTIFF'S PURPOSEFUL VICTIMIZATION BY DEFENDANTS IN VIOLATION OF FAIR HOUSING ACT; AMERICANS WITH DISABILITIES ACT OF 1990: TITLE III [AS AMENDED IN 2016]; AND CIVIL RIGHTS ACT OF 1964 [AS AMENDED]: TITLES II, III, VI, IX; AT LEAST**

1. On **19 October 2018** Plaintiff received via email a lottery invitation under Log No. 30594 from HPDC for an "interview for further processing" of his **19 April 2018** Good Faith Application for Housing Accommodation via "NYC Housing Connect": <https://a8o6-housingconnect.nyc.gov/nyclottery/lottery.html#home> for residence at "The Exhibit at 60 Fulton Street Affordable Housing" (EXHIBIT A);
2. On **29 October 2018** Plaintiff met with Defendant Melo in person at HPDC to provide Melo with all requisite extensive material non-public personal information demanded in order to complete Sole Claimant's application for residency at "The Exhibit at 60 Fulton Street Affordable Housing";
3. On **26 December 2018** Plaintiff received via email from Melo an unconscionable "Notice of Ineligibility" denying illegally his residency at "The Exhibit at 60 Fulton Street Affordable Housing" in stark violation of Fair Housing Act, Americans with Disabilities Act, and Civil Rights Act of 1964 (as relates directly to discrimination in housing under protected classes of color [Caucasian], national origin [Naturally-born Person of The United States of America], sex [Male], familial status [Single with planned increase of family size to two (2) in 2019], and disability [undisclosed for privacy], and victim under Woman Against Violence Act [open to men, undisclosed for privacy]);
4. On **1 January 2019** Good Plaintiff – Prosecutor transmitted his "Appeal Documentation" on a timely basis to Melo, substantiating irrefutably that He met all requirements for tenancy at The Exhibit at 60 Fulton Street Affordable Housing, requesting that the 26 December 2018 erroneous and illicit denial of residency be overturned;
5. On **5 February 2019** Plaintiff sent Defendant Martin, CEO, an email requesting his good faith facilitation of a prompt resolution to the impending controversy at HPDC regarding unjust failure to provide Plaintiff with rightful housing accommodation at The Exhibit at 60 Fulton Street Affordable Housing; Martin failed purposefully to Answer, at all;
6. On **6 February 2019** Sole Claimant received via email a "final

- determination letter” penned by Defendant Mosuro, which perpetuated the unlawful stance previously taken by HPDC staff in the illegal denial of rightful housing accommodation by the Defendants;
7. On **7 February 2019** Plaintiff Filed on a timely basis [within five (5) business days] a Formal Written Complaint against HPDC for the illegal denial of housing accommodation with HPD;
  8. On **11 February 2019** Defendant Murphy denied via email Plaintiff’s request to meet with Him to Discuss future HPD Policy & Strategy initiatives;
  9. On **26 February 2019** Defendant Dormi via email sent Plaintiff a Letter whereby HPD formally “supported” HPDC’s blatantly discriminatory actions regarding the illicit denial of rightful housing accommodation;
  10. On **22 March 2019** Defendant Lundgren on behalf of HPD denied via email in totality Sole Claimant’s reasonable private *“Final Pre-Litigation Demand for Settlement”* with no counteroffer whatsoever extended, thereby compelling Good Plaintiff – Prosecutor to assert His meritorious Claims against the defendants *en masse*;
  11. This is the *second* violation of Federal Laws regarding Housing Accommodation in New York City that Good Plaintiff – Prosecutor has endured, the first being the illegal, vindictive, and malicious actions taken by Federally-funded Clinton Housing Development Company (“CHDC”) in **2016 – 2017**, where, after lease signing, accepting His first month’s rent and security deposit, and providing Him with keys to residential unit 3F1 at 300 West 46<sup>th</sup> Street, New York County, New York, 10018, CHDC then refused Him access to said residential unit in **February 2017** and refused to refund Him the upfront monies paid to CHDC; no Prosecution was commenced against CHDC and no private resolution to that controversy was ever achieved.

### III. INJURIES SUSTAINED

As a result of defendants’ nefarious and unconscionable recursive discrimination in wanton violation of Federal Law and stark refusal to Settle Plaintiff’s Claims privately, timely, and with finality, Sole Claimant remains “undomiciled” and without deserved permanent residence in New York County, New York, the borough in which He is gainfully employed five (5) days per week, and more generally in The City of New York, the place of his birth.

This malevolent *“discrimination in housing”* results in His extreme

emotional distress, severe mental anguish, and significant anxiety, thereby negatively impacting and impeding every single aspect of his personal and professional lives.

#### **IV. RELIEF REQUESTED**

Good Plaintiff – Prosecutor brings this Action for declaratory and injunctive relief and maximum compensatory [and punitive damages] allowable under Fair Housing Act, Americans with Disabilities Act, and Civil Rights Act of 1964.

He has been unconscionably denied rightful residential accommodation by the defendants simply and only because He is a Single, White, Naturally-born United States Person who maintains certain permanent disabilities and is a crime victim as defined by VAWA, and who plans to increase His family size in 2019 to two (2) from one (1). As such:

(1) He respectfully requests that Court Orders the defendants to amend their policies, procedures, and employee training protocol to ensure they comply in full with all predicates under Fair Housing Act, Americans with Disabilities Act, and Civil Rights Act of 1964;

(2) He respectfully requests that Court Orders the defendants to take any necessary actions to restore Sole Claimant to the position He would have maintained save for the illegal actions, namely the immediate provision of rightful housing affordable accommodation within HPD's housing stock in New York County, New York;

(3) He respectfully requests maximum compensatory damages from the defendants as provided for under Fair Housing Act, Americans with Disabilities Act, and Civil Rights Act of 1964;

(4) He respectfully requests punitive damages, given the severity of wrongdoing and defendants' failure to engage in any civil discourse aimed at

private dispute resolution to any and all meritorious Claims asserted against them;  
and

(5) He respectfully requests whatever additional relief Court finds just  
and proper and reasonable to Grant Him.

**V. PLAINTIFF – PROSECUTOR’S CERTIFICATION**

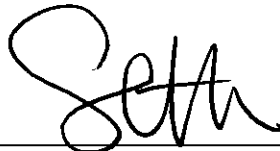
Good Plaintiff – Prosecutor certifies to the best of his knowledge,  
information, and belief that The:

1. United States of America Sovereign Complaint is not being presented for an improper purpose (*such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation*);
2. Litigation Claims are supported by existing law or by a non-frivolous argument to change existing law;
3. Factual contentions have baseline evidentiary support or will most certainly have full evidentiary support after a reasonable opportunity for further investigation or via formal Court-sanctioned Discovery processes; and
4. Complaint otherwise complies reasonably with the requirements of Federal Rule of Civil Procedure 11.

**WHEREBY** Good Plaintiff-Prosecutor now does request that The Chief United States District Judge for the Southern District of New York dispatch immediately United States Marshals Service to Summon *personally* all the defendants to Court to Answer this Initiating Complaint and provide Him with requisite relief, for his benefit and for the benefit of The People of the United States of America.

Dated: This the 26<sup>th</sup> day of March in the year 2019  
New York County, New York

Duly Executed:



One Penn Plaza, Ashem LLC, Suite 6119, New York  
County, New York, 10119  
Direct dial: 1.646.801.2045  
Email address: [seth.mitchell@ashemllc.co](mailto:seth.mitchell@ashemllc.co)



# EXHIBIT A

## Affordable Housing for Rent



### EXHIBIT AT 60 FULTON

**30 NEWLY CONSTRUCTED UNITS AT 29 Cliff Street, New York, NY 10038**

#### Financial District

**Amenities:** Fitness center\*, yoga room\*, roof deck and terrace\*, lounge\*, game room\*, demo kitchen and dining room\*, wine storage\*, bicycle storage room\*, tenant storage units\*, laundry room with card reader, wall art/photography, 24 hour doorman, super onsite. \*additional fees apply

**Transit:** Trains – A, C, J, Z, 2, 3, 4, 5, N, R, W, 6, E; Buses – M103, M22, M9, M55

**No application fee • No broker's fee • Smoke-free building**

This building is being constructed through the Inclusionary Housing Program and is anticipated to receive a Tax Exemption through the 421-a Program of the New York City Department of Housing Preservation and Development.

#### Who Should Apply?

Individuals or households who meet the income and household size requirements listed in the table below may apply. Qualified applicants will be required to meet additional selection criteria. Applicants who live in New York City receive a general preference for apartments.

A percentage of units is set aside for:

- Mobility-disabled applicants (5%)
  - Vision- or hearing-disabled applicants (2%)
- Preference for a percentage of units goes to:
- Residents of **Manhattan Community Board 1** (50%)
  - Municipal employees (5%)

### AVAILABLE UNITS AND INCOME REQUIREMENTS

| Unit Size | 40% AREA MEDIAN INCOME (AMI) UNITS  | Monthly Rent <sup>1</sup> | Units Available | Household Size <sup>2</sup> | Annual Household Income <sup>3</sup><br>Minimum – Maximum <sup>4</sup> |
|-----------|-------------------------------------|---------------------------|-----------------|-----------------------------|--|
| Studio    |                                     | \$613                     | 6               | 1 person                    | \$ 22,903 - \$ 29,240  |
| 1 bedroom |                                     | \$659                     | 6               | 1 person                    | \$ 24,549 - \$ 29,240  |
|           |                                     |                           |                 | 2 people                    | \$ 24,549 - \$ 33,400  |
| Unit Size | 60% AREA MEDIAN INCOME (AMI) UNITS  | Monthly Rent <sup>1</sup> | Units Available | Household Size <sup>2</sup> | Annual Household Income <sup>3</sup><br>Minimum – Maximum <sup>4</sup> |
| 1 bedroom |                                     | \$895                     | 3               | 1 person                    | \$ 36,640 - \$ 43,860  |
|           |                                     |                           |                 | 2 people                    | \$ 36,640 - \$ 50,100  |
| 2 bedroom |                                     | \$1,082                   | 9               | 2 people                    | \$ 39,086 - \$ 50,100  |
|           |                                     |                           |                 | 3 people                    | \$ 39,086 - \$ 56,340  |
|           |                                     |                           |                 | 4 people                    | \$ 39,086 - \$ 62,580  |
| Unit Size | 130% AREA MEDIAN INCOME (AMI) UNITS | Monthly Rent <sup>1</sup> | Units Available | Household Size <sup>2</sup> | Annual Household Income <sup>3</sup><br>Minimum – Maximum <sup>4</sup> |
| Studio    |                                     | \$2,116                   | 3               | 1 person                    | \$ 74,435 - \$ 95,030  |
| 1 bedroom |                                     | \$2,270                   | 1               | 1 person                    | \$ 79,783 - \$ 95,030  |
|           |                                     |                           |                 | 2 people                    | \$ 79,783 - \$ 108,550   |
| 2 bedroom |                                     | \$2,733                   | 2               | 2 people                    | \$ 95,692 - \$ 108,550   |
|           |                                     |                           |                 | 3 people                    | \$ 95,692 - \$ 122,070   |
|           |                                     |                           |                 | 4 people                    | \$ 95,692 - \$ 135,590   |

<sup>1</sup> Rent includes gas for heating, gas for cooking, and hot water. Tenants are responsible for electricity.

<sup>2</sup> Household size includes everyone who will live with you, including parents and children. Subject to occupancy criteria.

<sup>3</sup> Household earnings includes salary, hourly wages, tips, Social Security, child support, and other income. Income guidelines subject to change.

<sup>4</sup> Minimum income listed may not apply to applicants with Section 8 or other qualifying rental subsidies. Asset limits also apply.

#### How Do You Apply?

Apply online or through mail. To apply online, please go to [nyc.gov/housingconnect](http://nyc.gov/housingconnect). To request an application **by mail, send a self-addressed envelope to: 60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018**. Only send one application per development. Do not submit duplicate applications. Do not apply online and also send in a paper application. Applicants who submit more than one application may be disqualified.

#### When is the Deadline?

Applications must be postmarked or submitted online no later than **April 23, 2018**. Late applications will not be considered.

#### What Happens After You Submit an Application?

After the deadline, applications are selected for review through a lottery process. If yours is selected and you appear to qualify, you will be invited to an interview to continue the process of determining your eligibility. Interviews are usually scheduled from 2 to 10 months after the application deadline. You will be asked to bring documents that verify your household size, identity of members of your household, and your household income.

|                       |  |
|-----------------------|--|
| <b>Español</b>        | Presente una solicitud en línea en <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> . Para recibir una traducción de español de este anuncio y la solicitud impresa, envíe un sobre con la dirección a: <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> . En el reverso del sobre, escriba en inglés la palabra "SPANISH." Las solicitudes se deben enviar en línea o con sello postal antes de <b>23 de abril 2018</b> .   |
| <b>简体中文</b>           | 访问 <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> 在线申请。如要获取本广告及书面申请表的中文字版，请将您的回邮信封寄送至： <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> 。信封背面请用英语注明“CHINESE”。必须在以下日期之前在线提交申请或邮寄书面申请 <b>2018 年 4 月 23 日</b> 。   |
| <b>Русский</b>        | Чтобы подать заявление через интернет, зайдите на сайт: <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> . Для получения данного объявления и заявления на русском языке отправьте конверт с обратным адресом по адресу <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> . На задней стороне конверта напишите слово "RUSSIAN" на английском языке. Заявки должны быть поданы онлайн или отправлены по почте (согласно дате на почтовом штемпеле) не позднее <b>23 апреля 2018</b> . |
| <b>한국어</b>            | <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> 에서 온라인으로 신청하십시오. 이 광고문과 신청서에 대한 한국어 번역본을 받아보시려면 반송용 봉투를 <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> 으로 보내주세요. 봉투 뒷면에 "KOREAN" 이라고 영어로 적어주십시오. <b>2018 년 4 월 23 일</b> 까지 온라인 신청서를 제출하거나 소인이 찍힌 신청서를 보내야 합니다.  |
| <b>Kreyòl Ayisyen</b> | Aplike sou entènèt sou sitwèb <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> . Pou resevwa yon tradiksyon anons sa a nan lang Kreyòl Ayisyen ak aplikasyon an sou paye, voye anviwop ki gen adrès pou retounen li nan: <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> . Nan dèyè anviwop la, ekri mo "HATIAN CREOLE" an Anglè. Ou dwe remèt aplikasyon yo sou entènèt oswa ou dwe tenbre yo anvan dat <b>avril 23, 2018</b> .  |
| <b>العربية</b>        | نقدم بطلب عن طريق الإنترنت على الموقع الإلكتروني <a href="http://nyc.gov/housingconnect">nyc.gov/housingconnect</a> للحصول على ترجمة باللغة العربية لهذا الإعلان ونموذج الطلب الورقي، أرسل مغلفاً يحمل اسمك وعنوانك إلى: <b>60 Fulton, c/o Housing Partnership Development Corporation, 242 West 36th Street, 3rd Floor, New York, NY 10018</b> . يجب إرسال نماذج الطلبات عن طريق الإنترنت أو ختمها بقلم اليد قبل <b>23 أبريل 2018</b> . الوجهة الخلفية للمغلف، اكتب باللغة الإنجليزية كلمة "ARABIC".  |

Mayor Bill de Blasio • HPD Commissioner Maria Torres-Springer

